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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,162	05/23/2001	Shlomi Arnon	COLB-0114	8807

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EXAMINER

SHARMA, SUJATHA R

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/863,162

Applicant(s)

ARNON ET AL.

Examiner

Sujatha Sharma

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3,9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Claim 22 is objected to because of the following informalities:

In line 1, "and comprising a generating" should read as – comprising a switching center for generating--.

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4,8-14,15-18, 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Fischer [US 5,852,651].

Regarding claims 1,15, Fischer discloses a communication system with remote unit having microcell antenna units. Fischer further discloses a base station transceiver system (BTS) positioned at a first location ( see col. 3, line 45 – col. 4, line 20 and Fig. 2) comprising of :

- Communication control circuitry, adapted to generate downlink radio frequency (RF) signals receivable by a mobile transceiver device operative within the cellular network and to process uplink RF signals transmitted by the mobile transceiver (see summary of invention, Figs. 3,4, col. 10, lines 17-31);

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- First transducer circuitry, adapted to modulate a first beam of unguided electromagnetic (EM) radiation with the downlink RF signals and to radiate the modulated beam as a first modulated beam, and to receive and demodulate a second modulated beam of unguided EM radiation so as to recover the uplink RF signals (see summary of invention, Fig. 4, col. 10, line 17- col. 11, line 15);

Fischer further discloses an antenna assembly, positioned at a second location remote from the first location (See Fig.2, and col. 3, line 45 – col. 4, line 20) comprising of :

- A second transducer circuitry, adapted to modulate a second beam of unguided EM radiation with the uplink RF signals and to radiate the modulated beam as second modulated beam to BTS, and to receive and demodulate the first modulated beam of unguided EM radiation from the BTS so as to recover the downlink RF signals (see summary of invention, Fig. 8, and col. 13, lines 1-67).
- An antenna adapted to radiate the recovered downlink RF signals to the mobile transceiver and to receive the uplink RF signals from the mobile transceiver (see summary of invention, Fig. 8, and col. 13, lines 1-67).

Regarding claims 2-4,16-18, Fischer further discloses the first and second transducer circuitry adapted to radiate the first and second modulated beam via a path between the BTS and the antenna comprising of free space. See col. 3, line 45 – col. 4, line 28, col. 10, lines 33-53, col. 11, lines 6-15.

Regarding claims 8, 22, Fischer further discloses the system to comprise of a switching center (see MTSO in Fig. 2 and col. 10, lines 7-23), which is adapted to generate the information responsive to the uplink and downlink signals and to transfer the information between the BTS and cellular network.

Regarding claims 9, 23, Fischer discloses a base station controller, which controls the BTS (see Fig. 1B, 3, col. 1, lines 60-63, col. 10, lines 17-21).

Regarding claims 10, 24, Fischer further discloses where one of the downlink RF signals and uplink RF signals comprise a plurality of separate RF signals. (See col. 3, lines 45-60, col. 4, lines 43-49).

Regarding claims 11-14, 25-28, Fischer further discloses the first and second transducer circuitry comprises of analog-to-digital converters and digital-to-analog converters and to further compress and de-compress digitized signals. See Figs. 4, 8, col. 10, line 33 – col. 11, line 25, col. 13, lines 1-35.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5-7 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer [US 5,852,651] in view of examiner's official notice.

Regarding claims 5-7 and 19-21, Fischer as treated in claims 1 and 15 does not disclose the distance between the base station unit and the remote antenna units and also the wavelength of the EM waves.

However it is well known in the art to operate the EM in the range specified in claims 6,7,20,21. Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to operate the system in the prescribed frequency range and the to provide a distance of approximately 10m to 700m between the base station unit and the remote antenna unit as a design choice for optimal performance of the system.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Halgrimson [US 4,607,389] Communication system for transmitting electrical signal.

Stilling [US 5,838,474] Process and circuit arrangement for transmitting received signals from an antenna to a base station of a radio system.

Heidimann [US 5,251,053] Radio communication system.

Logan [US 5,710,651] Remote millimeter wave antenna fiber optic communication system using dual optical signal with millimeter wave-beat frequency.

Ariyavisitakul [US 5,936,754] Transmission of CDMA signals over an analog optical link.

Hamilton-Piercy [US 5,809,395] Remote antenna driver for a radio telephony system.

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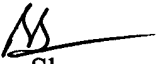
Koonen [US 6,674,966]      Re-configurable fiber wireless network.

Clifford GB 2 315 643 A]      Base station with remote antenna.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 703-305-5298. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3800.

  
Sujatha Sharma  
January 13, 2004

